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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/175,871 10/19/98 KIKINIS

D F1570

EXAMINER
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LM02/0426

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GERREMESKEL, Y	
ART UNIT	PAPER NUMBER

2758

DATE MAILED:

04/26/00

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/175,871

Applicant(s)

Kikinis

Examiner

Yeshi Gebremeskel

Group Art Unit

2758



☒ Responsive to communication(s) filed on Oct 19, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### Remarks

1. Claims 1-10 are presented for examination. In the prior art rejections of this office action, method claims 8-10 will be discussed before corresponding system claims 1-4 and device claims 5-7.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. U.S. Patent Number 6,012,088(herein Li).

Regarding claim 8, Li teaches the invention substantially as claimed by disclosing a method for configuring an internet access device comprising the steps of:

b) connecting the internet access device by the network port to compatible network(see Col. 3 lines 46-53, this can be done by using the standard telephone line connection);

c) providing an initiation signal at the internet appliance, the signal causing the appliance to establish communication and initiate interaction with the configuration server(see Col. 3 line

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31-33; the user enters a registration identification number and a telephone number as the initiation signal); and

d) configuring the internet access device for internet access by interaction of the first and second configuration routines(see Col. 3 lines 33-38; the device downloads configuration data from a configuration server). Li does not explicitly teach step (a), which is pre-programming the internet access device having a network port with first configuration routines adapted to interact with a remote network configuration server having second configuration. However, Li teaches an internet access device with automatic configuration process that is used to configure the device by accessing a configuration server(see Col. 3 lines 24-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to pre-program the device with routines adapted to interact with a remote network configuration serve. This modification would have been obvious to one skilled in the art, since pre-programming a device to achieve automation of a process is common in the art.

Regarding claim 9, Li teaches the invention substantially as claimed. See rejection of claim 8. Li further teaches the method of claim 8 wherein, in step (a) the network is a connection type telephony network(see Col. 3 lines 46-53, such as standard analog telephone line).

Regarding claim 10, Li teaches the invention substantially as claimed. See rejection of claim 9. Li does not explicitly teach the additional limitation of claim 10. However, Li teaches wherein in step (d) the configuration server uses the customer account ID to launch specific

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configuration routines adapted for the particular appliance(see Col. 13 lines 60-62; Col. 14 lines 20-23).

Regarding 1-4, they are system claims corresponding to method claims 8-10. Since they do not teach or define above the information in the corresponding method claims, they are rejected under the same basis.

Regarding 5-7, they are device claims corresponding to method claims 8-10. Since they do not teach or define above the information in the corresponding method claims, they are rejected under the same basis.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Automation and dial-time checking of system configuration for internet by Stone, U.S. Patent Number 5,784,555.

B) Method and apparatus for providing multiple management interfaces to a network device by Land et al. U.S. Patent Number 6,008,805.

A shortened statutory period for response to this action is set to expire 3 **(three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yeshe Gebremeskel, whose telephone number is **(703)308-6406**.

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The examiner can normally be reached on M-F from 8:30 a.m. to 5:00 p.m. EST.

If attempts to reach the examiner by phone fail, the examiner's supervisor, Ahmad Matar, can be reached at (703) 305-4731. Additionally, the fax phone for Art Unit 2758 is (703) 308-5357.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-9600.

  
Yeshi Gebremeskel

April 18, 2000

  
ZARNI MAUNG  
PRIMARY EXAMINER